



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office ~ 25 Sigourney Street, Hartford, CT 06106

Promoting Equality and Justice for all People

**Committee on Labor and Public Employees
Thursday, March 3, 2016**

Testimony in SUPPORT of HB-5237, AN ACT CONCERNING FAIR CHANCE EMPLOYMENT

Good afternoon Senator Gomes, Representative Tercyak, Senator Hwang, Representative Rutigliano, Vice Chairs and Members of the Labor and Public Employees Committee. My name is Cheryl Sharp, and I am the Deputy Director of the Commission on Human Rights and Opportunities. I am here to speak in favor of HB-5237, An Act Concerning Fair Chance Employment, otherwise known as "Ban the Box". However, CHRO recommends that the enforcement of this provision be part of the CHRO enforcement procedures rather than those of the Department of Labor.

The mission of the Commission on Human Rights and Opportunities (CHRO) is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education. Eliminating barriers to equal employment opportunity is one of the Commission's core issues. Individuals with criminal records of any kind have an extremely difficult time finding employment after their periods of incarceration. Because of longstanding issues with our criminal justice system,¹ individuals of color are statistically more likely than Caucasian individuals to have criminal records and therefore have even more difficulty finding employment because of those records. Employment enables individuals to care for their families and contribute to society. Individuals with criminal records should not be automatically precluded from consideration for a job that may not be related at all to the crimes that were committed.

CHRO's federal counterpart, the Equal Employment Opportunities Commission (EEOC) has issued an Enforcement Guidance on this very issue.² Due to the disparity in criminal records for minorities, the EEOC has stated that employers may be liable for a Title VII violation if an employer relies solely on a criminal arrest or conviction record in a hiring or firing decision. These violations can be based on both the disparate treatment theory of discrimination (treating one group with a conviction differently than another group with a conviction) and the disparate impact theory of discrimination (a facially neutral test adversely affects some groups more harshly than other groups). The EEOC Enforcement Guidance provides some statistics indicating the rate at which individuals of color are involved with the criminal justice system as compared to white individuals. The numbers are staggering.

Our state has a strong interest in rehabilitating former inmates. For many years, denying employment on the basis of criminal convictions unrelated to the requirements of a position has been prohibited with regard to state service (Conn. Gen. Stat. § 46a-80). Individuals should be considered for public and private employment based on their skills and abilities. A misdemeanor

¹ <http://www.civilrights.org/publications/reports/cerd-report-falling-further-behind/discrimination-in-the.html>

² http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm



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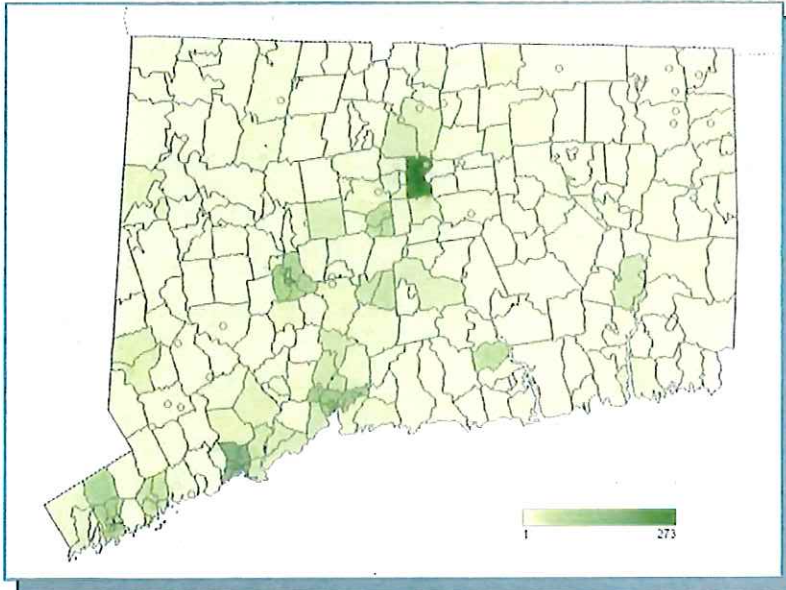
that is more than 2 years old should not prevent an individual from obtaining a job to support a family. An individual's qualifications for a position should be considered without having a conviction history hanging over their head. If the employer determines that an individual is qualified for the position, this law would permit a look at the criminal record only after the qualification was decided. It allows individuals to compete on an equal footing and obtain employment based on merit, rather than be disqualified at the outset. It is one way to prevent the disparate treatment – because of race, national origin, or ancestry – of individuals with prior criminal records.

In addition to our support of this bill, CHRO should actually be the agency charged with enforcing its provisions. CHRO's mission is to eliminate discrimination; CHRO already has a mechanism for investigating and litigating complaints of discrimination based on race, color, disability, etc., and this includes complaints in which the State of Connecticut is accused of discriminating based on a previous criminal conviction (Conn. Gen. Stat. § 46a-80). In the last year, the Commission has investigated 12 such complaints. Additionally, the CHRO currently receives and investigates such complaints where disparate impact is alleged against private employers. Thus, the complaints this bill envisions already fall within the purview of the CHRO, and this bill merely seeks to broaden the legal theories under which an individual can file a complaint.

The CHRO **supports** HB-5237 with the changes I have described.

Thank you for the opportunity to testify today. I am happy to answer any questions the Committee may have.

CHRO Throughout the State



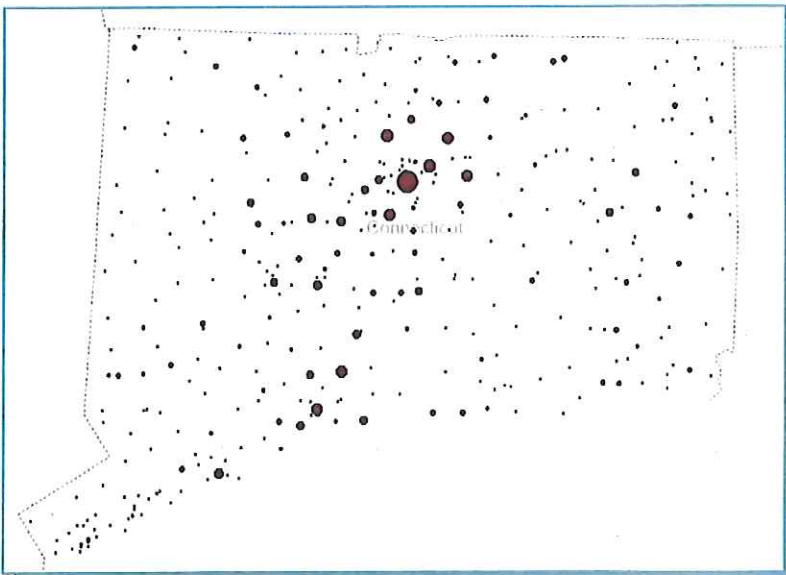
Almost every town in Connecticut had at least one complaint filed by one of their residents during FY 2014-15

The Commission on Human Rights and opportunities is serving the people of Connecticut all around the state. Each year the Commission receives and processes thousands of complaints regarding discrimination in housing, employment, education, credit transactions, public accommodations, and more.

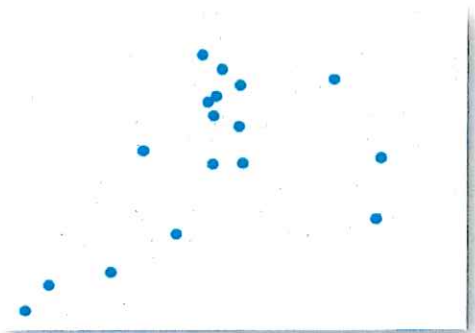
Assisting thousands of Connecticut residents with discrimination complaints is only a portion of what the Commission really does. The Commission's Affirmative Action and Contract Compliance units also assist and monitor business working on projected funded by the Connecticut taxpayers in complying with the state's anti-discrimination laws. The result is that business opportunities are granted to hundreds of small and minority owned businesses.

Beyond this, the Commission conducts trainings, outreach events, advocacy panels and more in an effort to further civil rights in Connecticut.

As part of our efforts, we take complaints of discrimination against those with prior convictions who have been denied state employment. We have received cases in the Hartford, Bridgeport, and Waterbury regions.



Over 2500 small businesses were given an opportunity to work on a state-funded project that they otherwise would have been left out of.



Business Institute Trainings were conducted throughout the state to help businesses comply